IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 853 (S/S) of 2007

Smt. Sarswati Pandey W/o Sri Puran Chandra Pandey, Presently posted as Assistant Teacher in Primary School- Sugauli, Block- Bir, District-Pithoragarh ---------- Petitioner.

Versus

1. State of Uttarakhand and through Director of Vidyalayi Shiksha Nideshalaya Mayur Vihar Dehradun
2. District Education Officer, Pithoragarh, District Pithoragarh
3. Additional District Education Officer (Basic), District Pithoragarh

-------Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri K.N. Joshi, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of certiorari to quash the impugned transfer/ adjustment order dated 12.6.2007 so far it relates to petitioner (filed as Annexure No. 5) passed by the respondent nos. 2 and 3.
2. Issue a writ, order or direction in the nature of mandamus directing the respondents not to relieve the petitioner from Primary School Sugauli, Block-Bir, District Pithoragarh to Primary School Kharkoli Gangolihat District Pithoragarh in pursuance of the transfer order dated 12.6.2007.
3. Issue a writ, order or direction in the nature of mandamus directing the respondents to amend the transfer order dated 12.6.2007 and to give posting to the petitioner in Primary

School Bhatyura, Pithoragarh where the post of Assistant Teacher is lying vacant

4. Issue any suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

5. Award the costs of the petition to the petitioner.

The main ground of attack of the petitioner to the impugned order is that she is suffering with the Arthritis and she cannot walk, consequently, the transfer order may be cancelled or she may be adjusted in nearby Primary School Bhatyura where the post of Assistant Teacher is lying vacant. The petitioner has also filed a certificate issued by the Regional Medical Board, Nainital issued on 15.06.2004.

Learned Standing Counsel has submitted that in case the petitioner is suffering with Arthritis, she can obtain a certificate from the Medical Board and on the basis of that her case shall be considered by the competent authority in view of the Policy laid down by the Government.

In the circumstances, in case the petitioner is still suffering with the Arthritis, she may obtain recent medical certificate from the Medical Board and may apply for reconsideration before the appropriate authority for redressal of her grievances and it is expected from the competent authority, District Education Officer/ Additional District Education Officer (Basic) to consider the medical certificate issued by the Medical Board and take necessary action in accordance with law and the Policy framed by the Government in this respect.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

11.07.2007
VKS